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EXAMINER

HENNING, MATTHEW T

ART UNIT PAPER NUMBER

2131

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,725	Applicant(s) MURASE ET AL.	
	Examiner Matthew T. Henning	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-26,28-36 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-26,28-36 and 38-44 is/are rejected.
- 7) ☒ Claim(s) 16-21,33 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1 This action is in response to the communication filed on 12/27/2005.

2 **DETAILED ACTION**

3 ***Response to Arguments***

4 Applicant's arguments with respect to claims 1-2, 4-26, 28-36, and 38-44 have been
5 considered but are moot in view of the new ground(s) of rejection.

6 Claims 1-2, 4-26, 28-36, and 38-44 have been examined, while claims 3, 27, and 37 have
7 been cancelled.

8 All objections and rejections not set forth below have been withdrawn.

9 ***Specification***

10
11 The specification is objected to as failing to provide proper antecedent basis for the
12 claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the
13 following is required: The claim 19 recites that only a part of the data block is destroyed if the
14 nullification device “does not have a processing capacity sufficient to destroy all parts of the data
15 block”. See the rejection of claims 19-21 under 35 USC 112 1st Paragraph below.

16
17 ***Claim Objections***

18 Claims 16-21, 33, and 43 are objected to under 37 CFR 1.75(c), as being of improper
19 dependent form for failing to further limit the subject matter of a previous claim. Applicant is
20 required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent
21 form, or rewrite the claim(s) in independent form. This is due to the fact that the independent
22 claims require the judged data block to be overwritten with a new data block, and therefore the

1 judged data block is destroyed, but the dependent claims 16-21, 33, and 43 do not require that the
2 judged data block be destroyed, but rather only a portion of the block. Therefore, the dependent
3 claims not only fails to further limit the scope of the claim, they actually broaden parts of the
4 claim and therefore broaden the entire claim.

5 *Claim Rejections - 35 USC § 112*

6 The following is a quotation of the first paragraph of 35 U.S.C. 112:

7 The specification shall contain a written description of the invention, and of the manner and process of making
8 and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
9 pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
10 contemplated by the inventor of carrying out his invention.
11
12

13 Claims 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with
14 the written description requirement. The claim(s) contains subject matter which was not
15 described in the specification in such a way as to reasonably convey to one skilled in the relevant
16 art that the inventor(s), at the time the application was filed, had possession of the claimed
17 invention. The claim 19 recites that only a part of the data block is destroyed if the nullification
18 device “does not have a processing capacity sufficient to destroy all parts of the data block”.
19 However, support is only provided in the specification for judging if the nullification device “has
20 enough processing capacity to destroy all parts of the pair of encrypted data block and encrypted
21 decryption key which is judged as needing to be nullified” (See Specification paragraph 0181).
22 Therefore, it would not be clear to the ordinary person skilled in the art as to whether the
23 applicants had possession of the claimed invention at the time of invention. Therefore, claims
24 19-21 are rejected for failing to meet the written description requirement of 35 USC 112 1st
25 Paragraph.

Claim Rejections - 35 USC § 103

Claims 1-2, 4-8, 12-18, 25-28, 31-33, 35-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushita (US Patent Number 6,694,002) hereinafter referred to as Matsushita, and further in view of Yasukohchi et al. (US Patent Number 5,920,673) hereinafter referred to as Yasukohchi.

The applied references have a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Regarding claim 1, Matsushita disclosed a data nullification device for nullifying target data recorded on a recording medium the target data being made up a plurality of data blocks (See Matsushita Abstract and Figs. 1 and 4), the data nullification device comprising: a judging

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1 unit (See Matsushita Figs. 1 Element 18) operable to judge, for each data block recorded on the
2 recording medium, whether the data block needs be nullified (See Matsushita Fig. 4 Step S3a
3 and Col. 6 Lines 31-57); a receiving unit operable to receive continuously transmitted data from
4 an external device, and set received data as a new data block (See Matsushita Col. 5 Line 45 –
5 Col. 6 Line 12); and a nullifying unit (See Matsushita Fig. 1 Element 21) operable to, when a
6 predetermined number of data blocks are judged as needing to be nullified or when one or more
7 data blocks whose total amount of data reaches a predetermined amount are judged as needing to
8 be nullified, nullify the judged data blocks (See Matsushita Col. 6 Lines 41-54), but failed to
9 specifically disclose the new data overwriting the previously judged data. However, Matsushita
10 did disclose that the new data blocks were recorded to the same medium as the judged data
11 blocks (See Matsushita Col. 5 Line 45 – Col. 6 Line 57 “hard disk”).

12 Yasukohchi teaches that in a recording system, the system should repetitively write data
13 to recording segments (See Yasukohchi Summary of the Invention).

14 It would have been obvious to the ordinary person skilled in the art at the time of
15 invention to employ the teachings of Yasukohchi in the recording system of Matsushita by
16 continuously recording the received data to the segments in the hard drive. This would have
17 been obvious because the ordinary person skilled in the art would have been motivated to
18 provide endless recording. In this combination, it would be obvious that the newly recorded data
19 would overwrite the judged data blocks, and therefore would nullify the previous data.

20
21 Regarding claim 25, Matsushita disclosed a data nullification method for nullifying target
22 data recorded on a recording medium, the target data being made up of a plurality of data blocks,

1 the data nullification method comprising the steps of: judging, for each data block recorded on
2 the recording medium, whether the data block needs to be nullified (See Matsushita Fig. 4 Step
3 S3a and Col. 6 Lines 31-57); receiving continuously transmitted data from an external device,
4 and setting the received data as a new data block (See Matsushita Col. 5 Line 45 – Col. 6 Line
5 12); and overwriting, when predetermined number of data blocks are judged as needing to be
6 nullified or when one or more data blocks whose total amount of data reaches a predetermined
7 amount are judged as needing to be nullified, the judged data blocks (See Matsushita Col. 6
8 Lines 41-54) but failed to specifically disclose the new data overwriting the previously judged
9 data. However, Matsushita did disclose that the new data blocks were recorded to the same
10 medium as the judged data blocks (See Matsushita Col. 5 Line 45 – Col. 6 Line 57 “hard disk”).

11 Matsushita further failed to disclose method being implemented in software. However, it
12 was well known that the functionality of a system can be implemented in software in order to
13 provide for greater ease of upgrade. Therefore, it would have been obvious to the ordinary
14 person skilled in the art at the time of invention to implement the system of Matsushita in
15 software running on a processor. This would have been obvious because the ordinary person
16 skilled in the art at the time of invention would have been motivated to ensure the system could
17 be easily upgraded.

18 Yasukohchi teaches that in a recording system, the system should repetitively write data
19 to recording segments (See Yasukohchi Summary of the Invention).

20 It would have been obvious to the ordinary person skilled in the art at the time of
21 invention to employ the teachings of Yasukohchi in the recording system of Matsushita by
22 continuously recording the received data to the segments in the hard drive. This would have

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1 been obvious because the ordinary person skilled in the art would have been motivated to
2 provide endless recording. In this combination, it would be obvious that the newly recorded data
3 would overwrite the judged data blocks, and therefore would nullify the previous data.

4
5 Regarding claim 35, Matsushita disclosed a data nullification method for nullifying target
6 data recorded on a recording medium, the target data being made up of a plurality of data blocks,
7 the data nullification method comprising the steps of: judging, for each data block recorded on
8 the recording medium, whether the data block needs to be nullified (See Matsushita Fig. 4 Step
9 S3a and Col. 6 Lines 31-57); receiving continuously transmitted data from an external device,
10 and setting the received data as a new data block (See Matsushita Col. 5 Line 45 – Col. 6 Line
11 12); and overwriting, when predetermined number of data blocks are judged as needing to be
12 nullified or when one or more data blocks whose total amount of data reaches a predetermined
13 amount are judged as needing to be nullified, the judged data blocks (See Matsushita Col. 6
14 Lines 41-54) but failed to specifically disclose the new data overwriting the previously judged
15 data. However, Matsushita did disclose that the new data blocks were recorded to the same
16 medium as the judged data blocks (See Matsushita Col. 5 Line 45 – Col. 6 Line 57 “hard disk”).

17 Yasukohchi teaches that in a recording system, the system should repetitively write data
18 to recording segments (See Yasukohchi Summary of the Invention).

19 It would have been obvious to the ordinary person skilled in the art at the time of
20 invention to employ the teachings of Yasukohchi in the recording system of Matsushita by
21 continuously recording the received data to the segments in the hard drive. This would have
22 been obvious because the ordinary person skilled in the art would have been motivated to

1 provide endless recording. In this combination, it would be obvious that the newly recorded data
2 would overwrite the judged data blocks, and therefore would nullify the previous data.

3 Regarding claims 2, 26, and 36, Matsushita and Yasukohchi disclosed that the recording
4 medium stores sequence information that shows a sequence in which the plurality of data blocks
5 were recorded onto the recording medium and the judging unit judges, in succession, the
6 plurality of data blocks in the sequence shown by the sequence information, as needing to be
7 nullified (See Matsushita Figs. 1 and 4, and Col. 6 Lines 29-57).

8 Regarding claim 4, Matsushita and Yasukohchi disclosed that each data block has a
9 length corresponding fixed transmission time period, a specified number of recording areas
10 which are each used as a recording area of a data block are reserved on the recording medium
11 (See Matsushita Col. 5 Line 66 – Col. 6 Line 6).

12 Regarding claim 5, Matsushita and Yasukohchi disclosed that if the length corresponding
13 to the fixed transmission time period is variable and if part of the recorded data block remains
14 even after the new data block is written, the nullifying unit further writes arbitrary data over the
15 part of the recorded data block (See Matsushita Col. 6 Lines 51-54).

16 Regarding claim 6, Matsushita and Yasukohchi disclosed that if there is not a new data
17 block which is to be recorded, the nullifying unit writes arbitrary data to the recording area (See
18 Matsushita Col. 6 Lines 51-54).

19 Regarding claims 7, 12, 28, 31, 38, and 41, Matsushita and Yasukohchi disclosed a
20 utilizing unit operable to utilize the target data recorded on the recording medium, wherein the
21 judging unit data block which was utilized by in units of data blocks, further judges that each the
22 utilizing unit needs nullified (See Matsushita Col. 6 Lines 29-57).

1 Regarding claim 8, and 13 Matsushita and Yasukohchi disclosed that the target data is
2 content data which is transmitted from an external device and recorded on the recording medium
3 (See Matsushita Col. 5 Lines 45-65 and Abstract), the content data is accompanied with copy
4 control information showing whether copying of the content data is permitted or prohibited (See
5 Matsushita Col. 5 Lines 51-53), the utilizing unit reproduces the content data recorded on the
6 recording medium, in units of data blocks, and only if the copy control information
7 accompanying the content data shows that the copying of the content data is prohibited, the
8 judging unit judges that each data block which was reproduced by the utilizing unit needs to be
9 nullified (See Matsushita Col. 6 Lines 31-54).

10 Regarding claim 14, Matsushita and Yasukohchi disclosed that the target data is
11 accompanied with copy control information showing whether copying of the target data
12 permitted or prohibited (See Matsushita Col. 5 Lines 51-53), the utilizing unit records the on the
13 recording medium, to another target data recorded recording medium, units of data blocks, and
14 only if the copy control information accompanying the target data shows that the copying of the
15 target data is prohibited, the judging unit judges that each data block on the recording medium
16 which was recorded by the utilizing unit needs to be nullified (See Matsushita Col. 6 Lines 31-54
17 and Col. 6 Line 66 – Col. 7 Line 11).

18 Regarding claims 15, 32, and 42, Matsushita and Yasukohchi disclosed that the
19 nullifying unit destroys all parts of a data block which is judged as needing to be nullified (See
20 Matsushita Col. 6 Lines 51-54).

21 Regarding claims 16, 33, and 43, Matsushita and Yasukohchi disclosed that the nullifying
22 unit destroys at least a part of a data block which is judged as needing to be nullified, the part of

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1 the data block being necessary to utilize remaining parts of the data block (See Matsushita Col. 6
2 Lines 51-54).

3 Regarding claim 17, Matsushita and Yasukohchi disclosed that the target data is MPEG
4 data including I pictures, and the part of the data block necessary to utilize the remaining parts
5 the data block an I picture (See Matsushita Col. 6 Lines 51-54 and Col. 6 Line 67 – Col. 7 Line
6 2).

7 Regarding claim 18, Matsushita and Yasukohchi disclosed that the target data is MPEG
8 data including I pictures, and the part of the data block necessary to utilize the remaining parts of
9 the data block a first sector of an I picture (See Matsushita Col. 6 Lines 51-54 and Col. 6 Line 67
10 – Col. 7 Line 2).

11
12 Claims 9-11, 29-30, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable
13 over Matsushita and Yasukohchi as applied to claims 1, 25, and 35 above, and further in view of
14 Garfinkle (US Patent Number 5,400,402).

15 Regarding claims 9, 29, and 39, Matsushita and Yasukohchi disclosed judging whether
16 data blocks needed to be nullified or not and whenever any data block is judged as needing to be
17 nullified, the nullifying unit nullifies the data block irrespective of whether the predetermined
18 number of data blocks are judged as needing to be nullified or whether one or more data blocks
19 whose total amount of data reaches the predetermined amount are judged as needing to be
20 nullified (See Matsushita Col. 51-54), but failed to disclose the data blocks having an expiration
21 time at which they would need to be nullified.

1 Garfinkle teaches that downloaded content should be given a time limit and once the time
2 limit is reached the content should be erased (See Garfinkle Col. 2 Lines 26-35).

3 It would have been obvious to the ordinary person skilled in the art at the time of
4 invention to employ the teachings of Garfinkle in the content system of Matsushita and
5 Yasukohchi by providing a time limit with the content packets and erasing the content packets
6 once the time limit was over. This would have been obvious because the ordinary person skilled
7 in the art at the time of invention would have been motivated to control the use of the received
8 content.

9 Regarding claims 10, 30, and 40, see the rejection of claim 7 above.

10 Regarding claim 11, see the rejection of claim 8 above.

11
12 Claims 19-24, 34, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over
13 Matsushita and Yasukohchi as applied to claims 1, 16, 25, and 35 above, and further in view of
14 Masinter (US Patent Number 5,742,807).

15 Regarding claims 22, 34, and 44, Matsushita and Yasukohchi disclosed that each data
16 block recorded on the recording medium has been encrypted using an individual encryption key
17 (See Matsushita Col. 5 Lines 57-62), and a decryption key for decrypting the encrypted data
18 block is stored on the recording medium (See Matsushita Col. 5 Lines 57-62 and Col. 6 Lines
19 41-45), but failed to disclose destroying the key when the data block is judged to be erased.

20 Masinter teaches that data which is encrypted can be destroyed simply by destroying the
21 decryption key for the data (See Masinter Col. 2 Lines 57-61) and that the key used to encrypt
22 and decrypt the data can be a hash of the data (See Masinter Col. 2 Lines 54-56)

1 It would have been obvious to employ the teachings of Masinter in the content erasing
2 system of Matsushita and Yasukohchi by only destroying the decryption key for each packet
3 judged to be erased. This would have been obvious because the ordinary person skilled in the art
4 would have been motivated to decrease the amount of overwriting required to erase each packet.

5 Regarding claim 23, the combination of Matsushita, Yasukohchi, and Masinter disclosed
6 an acquiring unit operable to acquire the target data in an encoded form (See Matsushita Col. 6
7 Lines 41-45); a decoding unit operable to decode the encoded target data using a user key which
8 has been provided to authorized users in advance, to obtain the target data (See Matsushita Col. 6
9 Lines 41-45); a key generating unit operable to generate an arbitrary encryption key and a
10 decryption key corresponding to the encryption key, for each data block of the target data (See
11 Masinter Col. 5 Lines 40-48); a data encrypting unit operable to encrypt the data block using the
12 encryption key so that the encrypted data block can be decrypted using the corresponding
13 decryption key (See Masinter Col. 2 Lines 54-56); a key encrypting unit operable to encrypt the
14 decryption key using an identifier unique to the data nullification device (See Masinter Col. 4
15 Paragraph 2); and recording unit operable to record the encrypted data block and the encrypted
16 decryption key onto recording medium (See Matsushita Col. 5 Lines 45-65).

17 Regarding claim 24, the combination of Matsushita, Yasukohchi, and Masinter disclosed
18 that at least the decoding unit, the key generating unit, the data encrypting unit, and the key
19 encrypting unit are contained in a single semiconductor chip (See Matsushita Fig. 1).

20 Regarding claims 19-21, the combination of Matsushita, Yasukohchi, and Masinter
21 disclosed that when the data nullification device does not have a processing capacity sufficient to
22 destroy all parts of the data block, the nullifying unit destroys only the part of the data block

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1 necessary to utilize the remaining parts of the data block (See the rejection of claim 22 above), a
2 destroying unit operable to destroy remaining parts of data blocks which were not destroyed by
3 the nullifying unit, when the data nullification device has a processing capacity sufficient to
4 destroy remaining parts of data blocks which were not destroyed by said nullifying unit (See
5 Matsushita Col. 5 Line 45 – Col. 6 Line 11).

6 *Conclusion*

7 Claims 1-2, 4-26, 28-36, and 38-44 have been rejected.

8 Applicant's amendment necessitated the new ground(s) of rejection presented in this
9 Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).
10 Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


11 A shortened statutory period for reply to this final action is set to expire THREE
12 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
13 MONTHS of the mailing date of this final action and the advisory action is not mailed until after
14 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
15 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
16 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
17 however, will the statutory period for reply expire later than SIX MONTHS from the date of this
18 final action.

19 Any inquiry concerning this communication or earlier communications from the
20 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.
21 The examiner can normally be reached on M-F 8-4.

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1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
2 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the
3 organization where this application or proceeding is assigned is 571-273-8300.

4 Information regarding the status of an application may be obtained from the Patent
5 Application Information Retrieval (PAIR) system. Status information for published applications
6 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
7 applications is available through Private PAIR only. For more information about the PAIR
8 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
9 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11
12
13 
14 Matthew Henning
15 Assistant Examiner
16 Art Unit 2131
17 3/13/2006


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